Experts fear confusion may mean loss of water rights

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With increased pressure on the Provo River to produce water for Salt Lake City and Salt Lake County, the issue of water rights on the river becomes extremely important.

Water rights are complicated at best, and the decree adjudicating Provo River, issued by Judge C.W. Morse in 1921, is difficult to understand 67 years later.

Nevertheless, it is vital that Provo residents understand

what rights the city has because without that understanding, some water experts fear those rights could be lost by default.

U.S. Bureau of Reclamation officials claim there are "excess waters" in the Provo River which they can appropriate to fill Jordanelle Reservoir in Wasatch County. They also say they will not interfere with any existing water rights in doing so.

The state engineer granted the bureau the right to store 320,000 acre feet of water in Jordanelle,

Provo city claims rights on the river that date back in continuous succession to 1850, and the two claims apparently are on a collision course. Provo water experts say the Provo River cannot produce enough water to fill Jordanelle, satisfy Salt Lake County's demands, and still supply the downstream users.

In the Morse Decree, issued in 1921, Judge C.W. Morse allocated the river water.

He gave Provo City the following water:

- May 10 to June 20 — 62.6 second feet.
- June 20 to July 20 — 59.1 second feet.
- July 20 to Sept. 1 — 55.9 second feet.
- Sept. 1 to May 10 — 101.5 second feet.

These water rights total 63,900 acre feet of water a year.

In the 67 years since the Morse Decree was signed, the decree has been tested several times in cases that were appealed to the Utah Supreme Court. In each case, the decree was upheld. The lastest test was in 1983.

As of this date, the Morse Decree has never been overturned or replaced.

Although many local water experts fear the recent actions of the Bureau of Reclamation, the State Engineer and the Central Utah Water Conservancy District will jeopardize Provo City's water rights, no challenge has yet been filed.

Judge Morse issued his first decree on the Provo River in 1902. In that decree, he allocated the water by percentages,

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